

Regarding NPRM to reclassify DSL as an "Information Service".

If DSL is re-classified in such a way that ILECs do not have to sell it wholesale, they won't. This move will devastate Internet Providers because we rely on access to broadband loops for present and future income. Let us not think for one second the ILECs won't immediately cut off access to DSL loops for ISPs if they are not required to provide them. Just recently in California, not more than a few weeks after SBC won long distance approval they cut off all commissions to all ISPs for all DSL services without so much as an explanation or warning. They dismantled their ISP group so fast the agents barely had time to say good-bye. This is a crystal clear indication of how they will react to the DSL NPRM. After they won long distance access in California their actions and attitudes toward our Internet Provider have gotten very chilly.

Already we are seeing Remote Terminals that were supposed to come alive and be available for us for resale suddenly disappear from the databases with no one at the ILEC willing or able to explain why. One worries about the implications of that.

I do not understand why the FCC seems so intent on allowing the ILECs the only key to DSL. This is not competition. DSL vs. Cable is not competition. In a large number of areas only one or the other is available, therefore in those areas consumers will only have one choice. Having only one choice is the antithesis of competition. If a consumer wants DSL in particular, they deserve to have a choice of at least three ISPs. Same for cable, they should be able to choose who provides their access over the medium of their choice (which often isn't a choice, it is all that is available).

Imagine if this same scenario was transplanted to other industries. Lets say, restaurants. What if only one restaurant chain was allowed to sell tacos? And another was the only restaurant chain allowed to sell hamburgers, etc. Consumers sure wouldn't be happy or be winners in that situation. The restaurants chosen to be the monopolists in their segment sure would be happy, but what of the rest of us? One could argue they had competition because sometimes you'd go for a taco, other times a hamburger. But what if you wanted a different type of taco? Nope, not available, no choices, just that one taco from that one restaurant. If each restaurant had no fear of competition in their particular segment innovation would surely stop (we know this from past examples of monopoly behaviour, monopolies don't take risks).

That isn't how things are supposed to work in America, we're programmed to have choices; to have freedom of choice. The same applies to DSL, an NPRM making DSL an information service will only make ILECs happy and only benefit them. I do not believe the Telecommunications Act of 1996 was written solely to benefit the ILECs. It was designed for all of us. Lets allow it to continue to benefit all of us. If DSL is cut off from the ISP I work for, 24 people will likely become unemployed, multiply that times the thousand or so other DSL reselling ISPs and the economies of the

situation look dour. Our customers chose us over other providers for a reason. Our customers had a choice when they signed up for our service. Their choices for broadband are getting narrower by the day. If this NPRM turns into a ruling making DSL an information service it will narrow down to one.

Lastly it is a very dangerous idea to put such vast control over the Internet in the hands of so few. If one or two cable companies and two or three ILECs eventually control 90% of the Internet access (assuming broadband becomes the dominant access method, which everyone agrees it will), that is too much power over a national resource such as the Internet. When a company, or a handful of companies get too much power over a resource they are free to manipulate that resource in ways that are not advantageous to consumers or even the national interest. On the otherhand if the control is spread over a few hundred, or a thousand Internet Providers, no one provider has the power to create undue influence over this national resource.